

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
City Hall Training Room**

Monday, July 24, 2017

Attending:

Council Member John Mickelson
Council Member Jim Sandager
City Attorney Richard Scieszinski
City Manager Tom Hadden
Deputy City Manager Jamie Letzring
Planner Karen Marren

Development Director Lynne Twedt
Development Coordinator Linda Schemmel
Chief Building Official Rod VanGenderen
Principal Engineer Ben McAlister
Communications Specialist Lucinda Stephenson
Planner Brad Munford

Guests:

Item #1 – Rockingham Ridge Plat 1 Buffer Vacation

Joe Adducci
Paul Filean

Item #2 – Mercy Clinic: McRoberts Property

Ross Dix, Downing Construction
Dennis Frischmeyer, Downing Construction

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:00 a.m.

1. Rockingham Ridge Plat 1 Buffer Vacation (University between 65th and 68th Streets) – Joe Adducci

Chief Building Official, Rod VanGenderen, explained the request from Joe Adducci to reduce the 30 foot buffer on his property to 15 feet. Staff advised Mr. Adducci he would need signatures from everyone within the plat stating they were okay with reducing the buffer to 15 feet, which he did. Mr. VanGenderen stated Staff was in support of the buffer vacation and reducing it down to 15 feet still provides enough of a setback from the sidewalk.

Director Twedt added that the lot is a double frontage lot.

Council member Mickelson asked if the vacation would affect any of the houses near the trail.

Mr. VanGenderen stated it would affect them in that it would allow them, if they desired, to move the fence back further closer to the trail.

Council member Sandager inquired as to what type of structures would be built.

Mr. VanGenderen responded there would be no restrictions in the vacated area regarding the types of structures and Staff would work with them regarding any easement restrictions.

Council member Mickelson stated if Mr. Adducci's neighbors were okay with the request he supported reducing the buffer requirement to 15 feet. Council member Sandager was in agreement.

Director of Development Services, Lynne Twedt stated the 30 and 60 foot buffer requirement is being re-evaluated City wide.

Direction: Council Members were supportive of reducing the buffer requirement from 30 feet to 15 feet.

2. Mercy Clinic: McRoberts Property – Ross Dix

Development Services Director, Lynne Twedt explained the request from Mercy Clinic to relocate their existing clinic to the site located at 1525 & 1535 Grand Avenue. The move would require a Comprehensive Plan and Zone change to change the property to an office land use.

Ross Dix, Downing Construction, described the project as a single story building with an entrance off of Grand Avenue and an entrance off of 60th Street.

Dennis Frischmeyer, Downing Construction, stated it would be a 14,000 square foot family practice clinic with no urgent care and the hours would be 7:30-5:30.

Direct Twedt noted they would not require any variances as they are able to park it and meet setback requirements.

Council member Sandager asked how tall the building would be.

Mr. Dix responded it would be 30 feet in height at the highest point.

Council member Sandager wanted to know if they had spoken with the neighbors regarding the project.

Mr. Frischmeyer stated he intends to talk with the neighbors.

Council member Sandager stated he would prefer to keep the zoning as single family due to the shortage of single family housing, however it would depend heavily on feedback from the neighbors.

Council member Mickelson was in agreement and stated some of the neighbors may see it as an amenity for the neighborhood.

Direction: Council Members were not supportive of changing zoning to Office to allow Mercy Clinic to relocate their business without feedback from the surrounding neighbors.

3. Ordinance Amendment: Single Family Residences in Non-Single Family Zoning Districts – Brad Munford

Planner, Brad Munford, provided background for the request. Homesteads or large lot single family homes are sometimes incorporated into the City through annexation and through the City's Comprehensive Plan they are assigned a different land use classification than what the property is currently being used for. It is at that point that City code looks at these homes as non-conforming. Should the owners decide to expand or if the structures were demolished or destroyed they would not be able to rebuild due to their non-conforming status.

Mr. Munford stated Staff created criteria that can be used to allow single family residential homes to be built in non-single family zoning areas and provided the following list:

- The applicant provide clear and convincing evidence that a single family residence existed on the parcel at sometime within the past 15 years (aerial photos would be one method)
- Demonstrate that the parcel is the same size and configuration as when the house existed (such as parcel plat maps)
- No subdivision of the parcel can occur to create a lot for a residential dwelling – the existing parcel, regardless of size must be maintained. Only one single family dwelling may be constructed on the parcel
- Adjacent properties have not been developed in accordance with the current land use and zoning
- Larger setbacks from all boundaries will be applied (100' for dwellings and 50' for accessory structures) – this will help buffer the home when the area develops and allow room for necessary infrastructure (i.e. utilities)

- Property owner will need to execute an acknowledgement which will be recorded with the respective county that:
 - ✓ *Acknowledges that the adjacent land uses are not residential*
 - ✓ *Acknowledges that no buffer will be required on adjacent property at time of development -- the burden of providing a buffer lies with the residential property owner*
 - ✓ *Agreement that the owner will work with the city to provide easement when needed (provide prior to building permit if exact alignment known)*
 - ✓ *Agreement that no non-residential establishment/use of the property can occur until the residential use ceases -- no commercial activity will be allowed on the parcel*

Mr. Munford provided two examples:

1. 3322 105th Street, Cummings, IA which is a 40 acre piece of property west of the Microsoft Osmium. The property is just outside the corporate boundary and the Comprehensive Plan designates the property as Office land use. If for some reason the home were demolished they would not be able to rebuild the home.
2. 4030 SE Maffit Lake Rd, West Des Moines, IA this is a 3 acre piece of property where the home was demolished and the owners are still paying a mortgage on the property.

Council member Sandager stated he generally wouldn't be in favor of this type of request because in the future as office develops around the property the homeowner will lobby that they don't want office being built around their home. However in this situation, he stated, the City should provide some remedy and felt the solution Staff presented would be the best remedy.

Council member Mickelson was in agreement.

Direction: City Council members were supportive of allowing Single Family residences in Non-Single Family Zoning Districts.

4. Upcoming Projects

- a. **Ashworth Road Comprehensive Plan and Consistency Rezoning** (Generally along Ashworth from 74th Street to 98th Street): Amend Comprehensive Plan Land Use Map and rezone property consistent with land use designation (CPA-003525-2017/ZC-003521-2017)

Comprehensive Plan and Zoning amendment to clean up the Ashworth corridor at I-80. Council member Mickelson expressed concern in regards to the high density and traffic in and out of Waukee. Ben McAlister, Engineering stated Staff has conducted traffic studies which show the area will be able to support the traffic and noted that the City can't be responsible for traffic issues in and out of Waukee.

- b. **Trailside PUD Rezoning** (5003 EP True Parkway): Establish a PUD to define uses and development standards for reuse of the previous Dahl's building (ZC-003526-2017)

Establishing a PUD for the old Dahl's. The tenants would be Bike World, Ace Hardware Store, and a retail tenant. Staff is working with the applicant regarding parking and the flood plain. A large portion of the site is in a flood plain and the hardware store would like to have outdoor storage and displays.

Tom Hadden, City Manager stated the flood plain line is concerning because of the proposed permanent displays and the ability for the tenant to relocate things in quickly in an emergency flooding situation.

Director Twedt stated their engineers have stated, that because this is an existing development they would not need to address the flood plain issues for the existing structure, just new construction. Staff has advised them that the Board of Adjustment has some authority to allow new structures in

the flood plain but DNR must give them direction.

- c. **Browns Woods Estates Preliminary Plat** (approximately 500 feet south of Browns Woods Drive and Veteran Parkway on the west side): Subdivide property into 75 single family lots (PP-003514-2017)

Subdivision of the property owned by Steve Grubbs. Council member Sandager asked if the northern lots would be larger as requested by the neighbors. Director Twedt stated that is correct and added the applicant is working with the Fire Marshal regarding two access points and a dead end length.
- d. **Quail Park Woods Final Plat** (4101 Grand Avenue): Subdivide property into nine lots for residential estate development (FP-003511-2017)
- e. **Grand Avenue Estates Final Plat** (3600 Grand Avenue): Subdivide property into four lots for residential estate development. Developer will be installing trees in the Grand Avenue ROW in alignment with vegetation allowances approved in conjunction with the Grand Avenue widening project. (FP-003538-2017). Access for the development will be from Grand Avenue.
- f. **Fareway Plat 1 Preliminary Plat** (SW corner of Mills Civic Parkway and S. 81st Street): Subdivide property into one lot for commercial development (PP-003464-2017)

This is a Preliminary Plat for a portion of Etzel Properties Plat 2 for a future Fareway store. Staff has not yet received the Site Plan submittal for the development.
- g. **Microsoft DSM04 Major Modification** (8855 S. 88th Street): Major Modification to construct a 50,000 square foot building as a part of phase 1 (MaM-003544-2017)

Staff is working with the applicant on screening issues because of the visibility of mechanical units, while addressing security constraints.
- h. **Della Vita Plat 1 Final Plat** (Northwest Corner of EP True Parkway and 88th Street): Subdivide property into 33 single family lots and 54 medium density lots (FP-003554-2017)

5. Minor Modifications

- a. **Phenix Playground** (415 7th Street) – Playground surface improvements, edging, subdrain, and modify equipment (MML1-003528-2017)
- b. **Bike World Modifications** (5003 EP True Parkway) Extend sidewalk pavement and install exterior stock storage facility - (MML1-003532-2017)
- c. **Renewal by Anderson Patio** (517 Railroad Avenue) Install patio and landscaping (MML1-003537-2017)
- d. **Starbuck's** (6305 Mills Civic Parkway, Building 3000) – Starbuck's Coffee Company – install flexible bollards to direct traffic through the drive-thru lane (MML1-003559-2017)
- e. **Trader Joe's** (6305 Mills Civic Parkway, Building 2000) – Trader Joe's – Repaint entire sign band of the tenant space to make the existing sign more visible (MML1-003564-2017)
- f. **Foundry Patio Modification** (111 S. 11th Street): Modify to accommodate patio and mechanical equipment for distillery operation (MML1-003515-2017)
- g. **Microsoft Alluvion Guardrail** (550 SE White Crane Road): Install guardrail on private property along the SE Pine Avenue boundary (MML1-003520-2017)
- h. **Wright Tree Service** (5950 Grand Ave): Install 6' fence (MML1-003523-2017)
- i. **Park 88** (595 88th Street): Modify footprint of townhome building #4, revise dumpster location, and relocate parking stall (MML1-003541-2017)
- j. **Clocktower Square** (2800 University Ave): Update façade architecture (MML1-003553-2017)
- k. **Starbuck's Drive-thru** (6305 Mills Civic Parkway, Building 3000): Install flexible bollards to block current drive-thru access and direct traffic into the site and then the drive-thru (MML1-003559-

2017)

- I. Hallett Materials Paving*** (8850 Raccoon River Drive): Pave interior drive to test surfacing (MML2-003517-2017)

6. Other Matters

a. Indoor Storage

Council Member Sandager inquired about a proposed indoor storage facility to be located on 60th Street.

Director Twedt replied the request was pulled at the encouragement of Staff and the applicant will hold a meeting to give the neighbors an opportunity to talk with the developers.

Council member Sandager commented that the location was perfect and if the City can't make it work because of opposition he felt we would run into the same issues with this use in other areas.

Director Twedt was in agreement noting the applicant has done everything required by Code and if we can't make this work the code allowing indoor storage uses in office districts may need to be repealed.

Director Twedt mentioned another applicant for indoor storage is considering a location on S. 50th Street.

b. IMT

Council member Sandager inquired about IMT.

Deputy City Manager, Jamie Letzring responded they are working on minimum assessment agreement language.

Council member Mickelson asked if there was a resolution for the wetlands on site.

City Manager Hadden stated that is still a work in progress and the developers engineers have stated they will be able to mitigate it all, noting IMT should be able to move forward this year.

Deputy City Manager Letzring, noted that IMT has not been the issue, there has been pushback from other people on the parcel that don't want to be part of the minimum assessment agreement. The developer needs them for valuation to support the interior work that the City is going to do.

Council member Mickelson clarified, IMT can go through, but for the whole parcel the economics don't work if the other parcels are not onboard, and the other parcels have the wetland issue.

Director Twedt stated this is located in the Overlay District and by procedure, the site plan could go to the Plan and Zoning Commission and City Council for one week review and be administratively approved. She noted there are concerns from neighbors so as a courtesy, Staff sent the Site Plan for IMT to the neighborhood association, however, they did not hear anything back.

Council member Sandager stated the advantage of following our typical process is we are keeping procedure in place however that disadvantages the neighbors who have expressed concern.

Council member Mickelson felt the bigger concern from the neighbors was regarding Hy-Vee.

Director Twedt stated Staff would move forward with IMT and continue to email the neighbors regarding what is going on with the development.

The meeting adjourned at 8:54 a.m. The next regularly scheduled Development and Planning City Council Subcommittee is August 7, 2017.

Lynne Twedt, Development Services Director

Juanita Greer, Recording Secretary